

GIFTED INDIVIDUALIZED EDUCATION PLAN (GIEP)  
AND  
NOTICE OF RECOMMENDED ASSIGNMENT (NORA)  
REVIEW CHECKLIST

Prepared by

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## GIEP AND NOTICE OF RECOMMENDED ASSIGNMENT (NORA) REVIEW CHECKLIST

*Chapter 16 provides the standards for the GIEP. The requirements are mandatory and designed to ensure the program satisfies the recognized needs of the gifted student. Therefore, it is not sufficient for a GIEP to "sort of meet the requirements" or "almost meet the requirements" or "meet some of the requirements."*

from

Bergman v. North Penn School District, 2007 PA Commonwealth Ct. unpublished decision

### I. Present Levels of Educational Performance (PLEP)

- A. Assessments to determine PLEP shall be administered so as to determine the instructional levels for the gifted student. Instructional level has also been referred to as "appropriate level of challenge". A student can be instructional at more than one level.
- B. PLEP are determined from objective assessments to establish a base line of academic instructional levels<sup>1</sup> in instructional skills and all academic subjects. 16.22(e)(1)
- C. In addition to determining an instructional base, the purpose of PLEP shall be to determine the learning needs.
- D. PLEP shall be stated in terms that are specific, measurable, and objective, describing current performance and not past performance.<sup>2</sup>
- E. Revisions to GIEPs, changes in educational placement, or continuation of educational placement for a student determined to be a gifted student shall be made by the GIEP team based upon a review of the student's GIEP and instructional activities, present levels of educational performance, as well as on information in the most recent evaluation. 16.32(a)

GIEP includes a statement of PLEP that meets the following:

#### 1. Curricular-based Assessments (CBA)\*

☐ The CBA's satisfy the following:

Subject(Date)	Current Assessment	Objective	Measurable	Grade Level
				Specific
Reading	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Writing	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Math	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Spelling	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
Vocabulary	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

Music ☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_  
Other: \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_

\* Generally, recitation of grades from reports cards or PSSA scores are not adequate to determine present levels of educational performance.

**2. Rate of Acquisition<sup>3</sup>**

- ☐ The Student's rate of acquisition has been determined.

**3. Cognitive/Achievement Assessments**

- ☐ The Student's IQ scores from initial evaluation or a reevaluation listed.  
☐ The Student's scores from achievement tests are listed. (e.g. WIAT, Explore, SAT)

**4. Progress on Goals from the previous GIEP**

- ☐ The objective measure of Student's progress on each goal from the previous GIEP is provided.

**5. Aptitudes, Interests and Specialized skills**

- ☐ Information of Student's aptitudes, interests and specialized skills listed.

- ☐ GIEP includes an appropriate statement of the Student's PLEP.

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**II. Annual Goals**

- A. A statement that describes the academic progress that a gifted student can reasonably be expected to accomplish within a school year, taking into consideration the rate at which the gifted student acquires and retains information. There should be a direct relationship between the annual goals and the present levels of educational performance.
- B. Goals must be objective and measurable. 16.32(d)(5)
- C. The annual goals must be responsive to the learning needs identified in the evaluation report. 16.32(d)(2)
- D. Pursuant to 16.22(e) the gifted multidisciplinary evaluations (GMDE) must be sufficient in scope and depth to investigate information relevant to the student's suspected giftedness, including academic functioning, learning strengths and educational needs.
- E. For each Learning Need, generally, there would be an Annual Goal.
- F. Goals should be specific (Spec Ed Op Decision 1079).
- G. Specificity is useful in both guiding instructional practices and in evaluating if progress has been made (Special Ed Op Decision #1079).
- ☐ There is an annual goal for each identified need.
- ☐ Each annual goal is specific so as to be useful to guide instructional practices.
- ☐ Each annual goal is grade level specific.
- ☐ Each annual goal is measurable.
- ☐ Each annual goal is objective.

- ☐ Each annual goal is appropriate based upon Student's level.
- ☐ Each annual goal is appropriate based upon Student's rate of acquisition.
- ☐ Each annual goal has a specific and appropriate progress monitoring schedule to determine the goal is being achieved.

☐ GIEP includes an appropriate statement of Annual Goals.

### III. Short-term Learning Outcomes

- A. The purpose of the Short-term Learning Outcomes (outcomes) is to break the annual goal into smaller, interim steps to assist in accomplishing the annual goal.
- B. The outcomes must be objective and measurable. 16.32(d)(5)
- C. The short-term learning outcomes must be responsive to the learning needs identified in the evaluation report. 16.32(d)(2)
- D. Pursuant to 16.22(e), the gifted multidisciplinary evaluations (GMDE) must be sufficient in scope and depth to investigate information relevant to the student's suspected giftedness, including academic functioning, learning strengths and educational needs.

- ☐ Each outcome is specific so as to be useful to guide instructional practices.
- ☐ Each outcome is grade level specific.
- ☐ Each outcome is measurable.
- ☐ Each outcome is objective.
- ☐ Each outcome is appropriate based upon Student's rate of acquisition.
- ☐ Each outcome has a specific and appropriate progress monitoring schedule to determine whether the outcome is being achieved.

☐ GIEP includes an appropriate statement of Short-term Learning Outcomes.

### IV. Specially Designed Instruction

- A. Adaptations or modifications to the general curriculum, instruction, instructional environments, methods, materials or a specialized curriculum (SDI). To be appropriate it must be based upon the student's need and ability (16.41(b)(1)).

- ☐ There is at least one SDI for each Annual Goal.
- ☐ Each SDI is appropriate based upon the Student's rate of acquisition.
- ☐ Each SDI is reasonably calculated to yield meaningful educational benefit and student progress.
- ☐ Each SDI is individualized to meet the educational needs of the student.
- ☐ Each SDI is specific as to the professional staff responsible for the implementation of the SDI.
- ☐ Each SDI is specific as to the date of initiation of the SDI.
- ☐ Each SDI is specific as to the anticipated frequency of the SDI.
- ☐ Each SDI is specific as to the location at which the SDI will be provided.
- ☐ Each SDI is specific as to its anticipated duration.

☐ GIEP includes an appropriate statement of Specially Designed Instruction.

V. Support Services

A. The GIEP Team must determine whether a gifted student needs support services. If the GIEP team determines that either (1) the service is an integral part of an educational objective of the student's GIEP, without which the GIEP cannot be implemented, or (2) the service is needed to ensure the student benefits from or gains access to a gifted education program, then the service is determined to be a support service. 16.33(b)

☐ The GIEP can be implemented appropriately without any support service.

☐ No support service is needed to ensure the Student benefits from or gains access to a gifted education program.

☐ GIEP includes an appropriate statement of Support Services.

VI. Educational Placement

A. The GIEP team, in accordance with the requirements of this chapter shall develop the GIEP and arrive at a determination of educational placement. 16.32(a)

B. Educational placement must:

1. Enable the provision of appropriate specially designed instruction based on the student's need and ability.

2. Ensure that the student is able to benefit meaningfully from the rate, level and manner of instruction.

3. Provide opportunities to participate in acceleration <sup>4</sup>or enrichment, or both, as appropriate for the student's needs. These opportunities must go beyond the program that the student would receive as part of a general education.

C. Educational placement is the overall educational environment in which gifted education is provided to a gifted student. 16.1

☐ Each educational placement ensures that the Student is able to benefit meaningfully from the rate of instruction.

☐ Each educational placement ensures that the Student is able to benefit meaningfully from the level of instruction.

☐ Each educational placement ensures that the Student is able to benefit meaningfully from the manner of instruction.

☐ Each educational placement enables the provision of appropriate specially designed instruction based on the Student's need.

☐ Each educational placement enables the provision of appropriate specially designed instruction based on the Student's ability.

☐ Each educational placement provides the opportunity for grade acceleration, if appropriate.

☐ Each educational placement provides the opportunity for subject acceleration, if appropriate.

☐ Each educational placement provides the opportunity for enrichment, if appropriate.

☐ All educational placements are appropriate.

**APPROPRIATE GIEP**

☐ GIEP is appropriate

☐ GIEP is not appropriate<sup>5</sup>

VII. Notice of Recommended Assignment (NORA)

A. If the school district refuses to change the educational placement of a gifted student, it is required to provide notice to the parent which includes a description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of options the district considered and the reasons why those options were rejected; a description of each evaluation procedure, type of test, record or report used as a basis for the action; and a description of other factors relevant to the district's action. 16.32(e), 16.61(a)(2), 16.61(d)

- ☐ The NORA includes a description of any action proposed or refused by the district.
- ☐ The NORA includes an explanation of the why the district proposes or refuses to take such.
- ☐ The NORA includes a description of the options the district considered and the reasons why those options were rejected.
- ☐ The NORA includes a description of each evaluation procedure, type of test, record or report used as a basis for the action.
- ☐ The NORA includes a description of other factors relevant to the district's actions.

☐ NORA is complete

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1.Levels of instructions

- a. Independent
- b. Instructional
- c. Frustration

2.Meaningful curriculum-based assessment requires a definitive statement of comparison of the student's performance with the requisite level of performance for success. Qualitative statements are insufficient. The hallmark of curriculum-based assessment is quantitative data. (See for example, Shinn, Advanced applications of curriculum-based measurement. 1998). (Spec Ed Op Decision 1225)

3.16.41(b)(2) Educational placement must ensure that the student is able to benefit meaningfully from the rate, level and manner of instruction. Also, the definition of "gifted education" in 16.1 requires that specially designed instruction be reasonably calculated to yield meaningful educational benefit and student progress and that it be individualized to meet the educational needs of the student.

4.The continuum of acceleration options includes subject acceleration, curriculum compacting, concurrent/dual enrollment, credit by examination or prior experience, whole grade level acceleration.

5.Statements that a plan is generally appropriate unfortunately diverts attention from the real issues and introduce some false sense of security to the district that it came close to offering FAPE. The hearing officer in subsequent language concluded that the IEP was flawed. That is all that was necessary to say. We know of nothing in the law (Federal or Commonwealth) that permits gradations of appropriateness. An IEP is either appropriate or it isn't. This is clearly indicated by the Court in Rose by Rose v. Chester County Intermediate Unit, (24 IDELR 61 (E.D. PA,1996)). We believe that the hearing officers statements about general appropriateness are immaterial and improper under the law. (Spec Ed Op Decision 892)